



## Threats and Disruptions at School Not Tolerated

Since the School Safety Omnibus Bill (Senate Bill 1559) was signed into law by Gov. Hull in April 2000, several hundred Arizona students have been arrested for making threats to other students or school personnel, or for "...causing interference with or disruption of an educational institution..."

According to figures obtained by the Arizona Daily Star from the juvenile court centers, 765 student felony arrests were made in Pima and Maricopa counties during the 2000-2001 school year: 251 in Maricopa County and 514 in Pima County.

The arrests were made when verbal threats were vocalized, such as "I'm going to kill you." Other reported incidents have had children cocking their finger and thumb, aiming at another student and saying, "Bang. You're dead." In yet another incident, a student had argued with a fellow student on the playground, then went into the classroom and drew a detailed picture of that student being cut into pieces with an intricate butcher knife. All schools are required to abide by the law when they become aware of situations such as these.

According to an article which appeared in the New York Times on March 19, 2001, "...nearly every state has passed some form of legislation intended to curb violence in schools." While many of the laws are intended to keep guns and other weapons out of schools, some states have given teachers and administrators new powers to discipline disruptive children. Others have established mediation and conflict resolution programs; still others have adopted broad new guidelines for what is acceptable student behavior.

The intent of the Arizona School Safety Omnibus Bill was to provide a safe school environment, free of threats of violence or disruption. With the passage of the bill into law, several sections of Arizona Revised Statutes Title 13, the Criminal Code, and Title 15, the Education Code, have been added or changed.

### Key provisions

Some of the key provisions of the law *follow*:

**Amendment** of ARS 13-2911, *Interference with or disruption of an education institution calls for* penalties which include suspension, expulsion or other appropriate disciplinary action of students, faculty members or other staff personnel. Depending on the circumstances surrounding the situation, a student *or* adult can be charged with a Class 1 Misdemeanor or a Class 6 Felony under ARS 13-2911 (I);

Establishment of a school safety clearinghouse within the Department of Education, to be staffed by at least one person. The position is located in Comprehensive Health and is staffed by Layton Dickerson, a former law enforcement officer. He can be called at 520- 770-3819. Dickerson is also available to assist schools and districts with Emergency Response Plans;

Conduct of an annual random survey of school districts on school safety and submission of a written report that summarizes the results for the Governor, the President of the Senate, and the Speaker of the House;

Development of Emergency Response Plans for each school. in conjunction with local law enforcement and local medical facilities, in accordance with minimum standards developed jointly by the Department of Education and the Department of Emergency Management and Military Affairs;

Amendment of ARS 15-841 dealing with responsibilities of pupils. A newly added section requires that, "A school district or charter shall expel from school for at least one year a pupil who is determined to have threatened an educational institution as defined in (ARS) Section 13-2911..." This also includes a threat to

cause physical injury to an employee or any person attending an education institution, or to cause damage to an educational institution or to the property of an employee or person attending the institution. The expulsion requirement may be modified on a case by case basis to allow for "...mediation, community service, restitution or other programs in which the pupil takes responsibility for the results of the threat;" and

Establishment of a school conflict mediation program within the office of the State Attorney General. Reports of potential school violence, including threats, may be called in to a Toll Free telephone number, 1-877- 900-1086. *The line is available to students, parents, educators, and the public.*

### **No tolerance for threats**

In the wake of some terrible tragedies in public schools across the nation, the message sent by this relatively new law is that there is little tolerance for threats or for violence. What may have been looked upon in previous years as "kids being kids," is being looked at entirely different now. *Students need to be aware that threats will be dealt with quickly and with consequences, regardless of the age or grade of the student.*

### **Anti-harassment letter issued by USDOE**

On July 25,2000, the u.s. Department of Education (USDOE) Office of Civil Rights and the Office of Special Education and Rehabilitative Services sent a letter on harassment based on disability to school principals across the United States. The letter was the result of a joint focus group where information was shared on "...often devastating effects on students of disability harassment that ranged from abusive jokes, crude name-calling, threats, and bullying, to sexual and physical assault by teachers and other students."

The USDOE letter states that "Disability harassment can have a profound impact on students, raise safety concerns, and erode efforts to ensure that students with disabilities have equal access to the myriad benefits that an education offers. Indeed, harassment can seriously interfere with the ability of students with disabilities to receive the education critical to their advancement..."

Oftentimes, students with and without disabilities react to repeated threats with what has been modeled for them in real life, in the movies, and on TV. They choose to protect themselves with a knife, gun or other weapon and risk the consequences for taking measures to protect themselves.

### **Symptoms of bullying**

Beane (1999) lists several behaviors which parents and teachers can pick up on as signals that a child is being bullied: loss of interest in school work; difficulty concentrating in class; lonely, withdrawn; frequent head- aches or stomachaches; sudden stutter or stammer; change in eating patterns; or, fresh scratches and bruises. When these behaviors or situations are identified, it's time to look a little more closely at the situation and to listen to the messages the child is sending. The intervention of a teacher or a parent may be critical to the well-being of the child.

### **The arrest process**

Parents may wonder what can happen to a child who is arrested for making threats. A student who is "paper arrested" at school will be returned to the custody of his/her parents. The family will then be contacted by a juvenile court Probation Officer. After interviewing the child and the family, and checking for previous incidents of delinquency, the decision may be made to send the child to a diversion program for counseling, or perhaps to anger management classes. The parents pay for the costs of the programs. Upon completion of the program, the charge will be dropped.

In more serious cases where a child is taken into custody, a psychological examination may be ordered by a judge. Upon completion of the evaluation, and an interview with a Probation Officer, there will be a hearing before a juvenile court judge. A family may choose to retain an attorney; otherwise the student will be represented by a Public Defender. If a student is found guilty in the incident, he/she may be charged with a Class 6 Felony which can remain on their record until age 25. If there are no additional incidents, the individual may request their record be expunged of the felony charge at age 25, and in some

instances, before age 25. NOTE: A Class 6 Felony can prevent a person from entering a branch of the United States military, employment in law enforcement and other professions, and the ability to vote is lost.

**Learn about district discipline policy**

Parents need to become familiar with their district's or charter school's discipline policy; especially how situations will be handled when a student is receiving special education services. Contact your child's teacher, principal or school counselor if you have questions.

**References**

Arizona State Senate. (2000). *Senate Bill* 1559. Phoenix, AZ: Forty-fourth Legislature  
Beane, A. (1999). *The Bully Free Classroom*. Minneapolis, MN: Free Spirit Publishing  
Janofsky, M. (2001, March 19). Bill on Student Bullying is Considered in Colorado, *New York Times*, p. A10  
Rico, G. (2001, April 3). Telephone Interview. Tucson, AZ: Pima County Juvenile Court Center  
Stauffer, T. (2001, May 27). School threats, *Arizona Daily Star*, p. A9  
U.S. Department of Education. (2000, July 25). Letter on harassment based on disability. Washington, DC: Office of Civil Rights and Office of Special Education and Rehabilitative Services.

*This article, originally published in the May 2001 edition of Network News, published by the Arizona Department of Education, Exceptional Student Services, has been revised.*

This article was developed by Shirley Hilts-Scott, Contract F8-0017 -003, with funds allocated by the U.S. Department of Education under IDEA '97. The contents do not necessarily represent the policy of the agency, nor should endorsement by the federal government be assumed. The Arizona Department of Education, a state educational agency, is an equal opportunity employer and affirms that it does not discriminate on the basis of race, religion, color, national origin. age, sex or handicapping condition. BR04